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and messages, the MDS system can access this information. Such information pertaining to how to send the indicator of the messages, exemplified by recipient preferences, are generally designated herein as "notifying instructions." The sender supplies message sending information that includes one or more recipients, and also can include optional information such as minimum or maximum expiration time periods for which the message should be stored or restrictions on access by some or all recipients (e.g., recipient 1 can only access the message once and recipient 2 is not allowed to see any of the attached documents). Alternatively, the MDS system could instead generate information such as minimum or maximum expiration time periods or recipient access restrictions. The MDS system can also record information such as the time that the indicators are sent out, the time and duration of each access by a recipient, and recipient instructions such as to save or delete the message.--

REMARKS

Claims 11-29 and 37-44 are pending in this divisional application. In the Office Action dated September 27, 2002, the Examiner rejected claims 18-22 under 35 U.S.C. § 112, first paragraph, for using the phrase "notifying instructions, which the Examiner believed to be "vague and indifferent" [sic]. Claims 11-13, 17, 23, 24, 37-39 and 41-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,205,498 to Habusha *et al.* in view of U.S. Patent No. 6,119,167 to Boyle *et al.* further in view of U.S. Patent No. 6,335,963 to Bosco. Claims 14, 15, 25, 40 and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Habusha *et al.* in view of Boyle *et al.* further in view of Bosco further in view of U.S. Patent No. 6,311,210 to Foladare *et al.* Claims 16, 18, 19, 21, 27 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Habusha *et al.* in view of Boyle *et al.* further in view of Bosco further in view of U.S. Patent No. 6,442,592 to Alumbaugh. The Examiner further rejected claims 20 under 35 U.S.C. § 103(a) as being unpatentable over Habusha *et al.* in view of Boyle *et al.* further in view of Bosco further in view of Alumbaugh further in view of U.S. Patent No. 6,314,454 to Wang *et al.* Claims 22 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Habusha *et al.* in view of Boyle *et al.* further in view of Bosco further in view of Alumbaugh further in view of U.S. Patent No. 6,067,561 to Dillon. Claim 26 was rejected

under 35 U.S.C. § 103(a) as being unpatentable over Habusha *et al.* in view of Boyle *et al.* further in view of Bosco further in view of U.S. Patent No. 5,632,011 to Landfield *et al.*

Applicant disagrees with these grounds of rejection and wishes to clarify various distinctions of Applicant's invention over the cited art. Reconsideration is therefore requested in light of the present amendment and following remarks.

The disclosed embodiments of the invention will now be discussed in comparison to the prior art. Of course, the discussion of the disclosed embodiments, and the discussion of the differences between the disclosed embodiments and the prior art subject matter, do not define the scope or interpretation of any of the claims. Instead, such discussed differences merely help the Examiner appreciate important claim distinctions discussed thereafter.

Applicant discloses a method and system for securely distributing an electronic message (*i.e.*, electronic communication) to numerous individual recipients in an efficient manner using centralized storage and management. In particular, the system receives an electronic message containing an indication of the recipient(s) for the message, and determines whether the indication is for multiple recipients. Unlike conventional methods, if the indication is for multiple recipients, the system does not send the message to the recipients, but rather centrally stores the message, and sends only a short notification of the message to each of the multiple recipients without sending the message itself until the systems receives a response from at least one of the recipients that contains a request for the message. In various embodiments, the system tracks, tests and routes requests from the recipients to access the message when appropriate and deletes the stored message when all recipients have responded and therefore all have received the message, unless at least one recipient requests that message be saved.

Thus, a single copy of the message can be stored on a server computer for delivery on an individual basis to multiple recipients when requested. In various embodiments, the system also stores instructions related to a particular recipient regarding the type of notification to be performed for that particular recipient, and send the notification according to those instructions of that particular recipient. In certain embodiments, the notification instructions are tailored by a particular recipient and in others, the notification instructions are automatically assigned for a particular recipient. In some cases the notification instructions indicate the message is to be encrypted, and the system performs the encryption accordingly. In

certain embodiments, after all recipients have reviewed the message and no recipient has indicated a choice to save the message (or all have indicated a choice to delete the message) the system automatically deletes the single copy of the message. The instructions may include actions to be taken with respect to the message, such as to save or delete the message or to forward the message to another recipient.

The centralized storage and management of electronic messages to be distributed to a large number of recipients provides a variety of benefits. Since only a short indicator is sent to each recipient, the recipients' systems require only a small amount of storage space. In addition, each recipient system does not need the necessary software to save and manage the electronic messages. Instead, the recipient system need only be able to display a message and to send requests and other message action instructions to the server. In addition, central storage of the message provides easy access and control of the original message by an appropriate authorized user who may need access to the centrally message for any number of reasons (e.g., for backup, for authentication, or for modification). Removal or modification of the message to be distributed to a large number of users is therefore easily accomplished.

The cited prior art references, alone or in combination, fail to teach the combination of features of Applicant's invention in any manner that would fairly suggest or motivate one of ordinary skill in the art to create a message management system like Applicant's.

Habusha, fails to teach anything regarding management of messages with respect to determining whether there is an indication that a message is designated for multiple users or not, let alone the particular features of Applicant's invention. In this regard Applicant respectfully disagrees with the Examiner's characterization of Habusha. In particular, Habusha does not anywhere teach determining whether multiple recipients for the message have been indicated and/or taking any action related thereto such as saving the message or sending the message in response to a request from a designated recipient. The text of Habusha cited by the Examiner for determining that multiple users have been indicated, *i.e.*, at column 5, line 44, to column 6, line 11, has nothing to do with determining whether there is an indication of multiple users. The text refers to communication between applications located at various nodes. One of ordinary skill in the art understands from the teaching of Habusha as a whole, that a node is one of many machines (e.g., one of many servers) where various applications are stored over a

network. Habusha is directed toward creating a "session" of data communication between applications located at difference nodes to exchange information between the applications, not to sending a message to recipient users. Moreover, the text of Habusha cited for sending the message in response to a request from a recipient, *i.e.*, at column 6 lines, 27-40, is actually directed to opening a communication session between nodes. The text states:

The node 82 initiates a session by sending an Establish_Connection packet 100 to the node 84 it wants to establish a session with using a pre-selected standard communication protocol. The node 84, returns a response packet 101 to the first node 82 to indicate whether it agrees to have a session. If the response is positive, the first node 82 sends to the second node 84 a Connection_Parameter packet 129 containing its session parameters to the node 82 to, thereby concluding the phase of establishing the session.

This has nothing to do with sending a copy of a saved message to a particular recipient upon receiving a request from that recipient, who is one member of multiple recipients, but rather to opening a communication between two applications at different nodes and establishing the protocol for the communication *i.e.*, the "Connection_Parameter packet" between them. This is analogous to opening a communication line between two computers and determining the protocol for communicating between them. Moreover, as the Examiner acknowledges, there are no multiple recipients involved. Applicant further emphasizes that the type of communication between applications located at various nodes discussed in Habusha is different from electronic messages, which are the subject of the present invention.

The deficiencies of Habusha are not cured by the combination with Boyle, which is directed to "pushing and pulling" data in networks. The data are "pushed" from a source to a destination via an intermediate computer system. If the system is unable to forward the data to the destination within a predetermined period of time, the system deletes the data and never forwards it to the destination. As with Habusha, Boyle fails to disclose anything regarding determining the fate of "data" depending upon whether there is an indication that the data is intended for multiple recipients or not. Moreover, even assuming, that the "data" of Boyle is analogous to the message of Applicant, what Boyle does with the data is nearly opposite to what Applicant does with a message, because in Boyle, the data is deleted if not sent in a period of time. In contrast, in Applicant's invention, the message is stored until a request for message is received from the recipients and, in some embodiments, not deleted unless none of the recipients

have indicated that the message should be saved. The notification of the presence of data (*e.g.*, a stock quote) that is sent to multiple users mentioned at column 7, lines 1-21, of Boyle, and cited by the Examiner, is totally unrelated to saving and/or deleting the data dependent upon whether multiple users have indicated a request for the data or no user has indicated that the data should be saved. What Boyle describes is typical multi-cast broadcasting of electronic information that is ordinary in the art. The deficiencies of Habusha and Boyle are not covered by the remaining cited art.

Assuming, without further analysis, that the Examiner is correct in characterizing Foldare as teaching determining that an electronic communication has been sent to all of the recipients and not deleting the stored message until all of the recipients have indicated that the electronic communication can be deleted, the deficiencies of the primary references are not cured by Foldare, which fails to teach determining whether to save or send an electronic message based upon whether multiple recipients have been indicated, and not sending the saved electronic message until a request has been received from the recipient.

Assuming, without further analysis, that the Examiner is correct in characterizing Bosco as teaching notifying each of multiple recipients of an electronic communication without sending the electronic communication, the deficiencies of the primary references are not cured by Bosco, which fails to teach determining whether to save or send an electronic message based upon whether multiple recipients have been indicated, and not sending the saved electronic message until a request has been received from the recipient.

Assuming, without further analysis, that the Examiner is correct in characterizing Foladare as teaching determining that an electronic communication has been sent to all of the recipients and not deleting the stored message until all of the recipients have indicated that the electronic communication can be deleted, the deficiencies of the primary references are not cured by Foladare, which fails to teach determining whether to save or send an electronic message based upon whether multiple recipients have been indicated, and not sending the saved electronic message until a request has been received from the recipient.

Assuming, without further analysis, that the Examiner is correct in characterizing Alumbaugh as teaching determining a period of time for which an electronic communication is stored, the deficiencies of the primary references are not cured by Alumbaugh, which fails to

teach determining whether to save or send an electronic message based upon whether multiple recipients have been indicated, and not sending the saved electronic message until a request has been received from the recipient.

Assuming, without further analysis, that the Examiner is correct in characterizing Wang as teaching notifying instructions for a message being supplied by a recipient, the deficiencies of the primary references are not cured by Wang, which fails to teach determining whether to save or send an electronic message based upon whether multiple recipients have been indicated, and not sending the saved electronic message until a request has been received from the recipient.

Assuming, without further analysis, that the Examiner is correct in characterizing Dillon as teaching notifying instructions that indicate that the notifying is to be performed in an encrypted manner, the deficiencies of the primary references are not cured by Dillon, which fails to teach determining whether to save or send an electronic message based upon whether multiple recipients have been indicated, and not sending the saved electronic message until a request has been received from the recipient.

Assuming, without further analysis, that the Examiner is correct in characterizing Landfield as teaching automatically sending an electronic communication to a non-recipient authorized to access the electronic communication, the deficiencies of the primary references are not cured by Landfield, which fails to teach determining whether to save or send an electronic message based upon whether multiple recipients have been indicated, and not sending the saved electronic message until a request has been received from the recipient.

In short, the combination of the cited art fails to provide a teaching or suggestion that would motivate one of ordinary skill in the art to manage electronic messages in the manner done by Applicant, at least because none of the cited art discloses the fundamental aspect of the invention, which is that the management of the messages is to be treated differently (saved or directly sent) based on whether there is an indication of multiple recipients or not, only sending a saved message if there is a request from a user who receives an indication of the message and/or deleting the saved message if none of the recipients indicate the message is to be saved.

Turning now to the claims, independent claim 11 recites, in pertinent-part, *...determining whether multiple recipients of the electronic communication have been indicated;*

and *when it is determined that multiple recipients have been indicated*, storing the electronic communication; notifying each of the multiple recipients of the electronic communication *without sending the electronic communication to the recipients*; and *in response to a request for the electronic communication from a recipient*, sending the electronic communication to the recipient.

Independent claim 23 similarly recites in pertinent-part, *receiving an indication of the electronic communication and of the plurality of recipients* to receive the electronic communication; *storing a single copy* of the electronic communication; notifying each of the recipients of the electronic communication *without sending the electronic communication to the recipients*; and *in response to a request for the electronic communication from a recipient*, sending the electronic communication to the recipient.

Independent claim 23 recites in pertinent-part, *determining whether multiple recipients of the electronic communication have been indicated*; and *when it is determined that multiple recipients have been indicated*, storing the electronic communication; notifying each of the multiple recipients of the electronic communication *without sending the electronic communication to the recipients*; and *in response to a request for the electronic communication from a recipient*, sending the electronic communication to the recipient.

Independent claim 41 recites in pertinent-part, ... *determining whether multiple recipients of the electronic communication have been indicated*, ... storing the electronic communication and *notifying each of the multiple recipients of the electronic communication without sending the electronic communication to the recipients when it is determined that multiple recipients have been indicated*, and ... sending the electronic communication to a recipient *in response to a request for the electronic communication from the recipient*.

The italicized portions of the claims emphasize the important features of Applicant's invention discussed above, namely, treating electronic messages differently based on whether there is an indication of multiple recipients or not, if there are multiple recipients, sending a notification of the saved message to the recipients, and only sending the message to the recipient upon receiving a request for the same. The cited art does not provide any teaching that suggest these fundamental aspects of Applicant's invention or that would motivate one of

ordinary skill in the art to do what Applicant has done. Accordingly, withdrawal of the rejections of independent claims 11, 23, 37 and 41 is respectfully requested.

In the interest of expediency, the independent claims have been discussed herein together because Applicant believes the common element(s) of receiving an indication of multiple recipients, storing the message if there are multiple recipients indicated, sending a notification of the message to the recipients and sending a copy of the message to the recipient upon request is patentable over the cited art. However, this expedient is not an admission that all the independent claims rise and fall on this ground, because the independent claims are believed to be separately patentable on other grounds as well. Applicant therefore reserves the right to discuss separate grounds of patentability at another time if necessary.

The remaining dependent claims 12-22, 24-29, 38-40, and 42-47 depend from patentable base claims and are patentable at least on this ground, therefore Applicant also requests that the rejection of these claims be withdrawn. Applicant does not agree, however, that the secondary references would render the dependent claims unpatentable in view of the primary references, even if the primary references were sufficient to render the independent claims unpatentable (which they are not). Therefore, Applicant likewise reserves the right to discuss the separate grounds of patentability of each of these dependent claims at another time if necessary.

With regard to the rejection under § 112, first paragraph, Applicant respectfully disagrees with the Examiner's comment that the "notifying instructions" on page 24 is vague. At page 5, line 22, to page 6, line 3, for example, there is a discussion of various forms that the indicator messages sent to recipients can take. In certain cases, the recipient may supply preference information about receiving indicators and messages which the MDS system can access. Such preference information exemplifies "notifying instructions", *i.e.*, information regarding how to notify a recipient. To make this more clear, the sentence on page 6, line 3, has been amended to state that such preference information is an example of notifying instructions. Accordingly, Applicant requests that the rejection of claims 18-22 under § 112, first paragraph, be withdrawn.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned "**Version with Markings to Show Changes Made**".

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

DORSEY & WHITNEY LLP.

A handwritten signature in dark ink, appearing to read 'Mark W. Roberts', is written over the printed name.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

The paragraph beginning on page 5, line 22, has been replaced with the following rewritten paragraph:

--The indicator messages sent to the recipients can take a variety of forms. For example, the indicator for an email could include the sender and the subject line only, the first few lines from the message body, or message attributes such as size or importance. Each indicator also includes a reference to the corresponding message that will allow the message to be accessed. The information about sending the message ("message sending information") stored by the MDS system can also take a variety of forms, and can include both information supplied by the sender of the message as well as information generated by the MDS system. In addition, if recipients have previously supplied preference information about receiving indicators and messages, the MDS system can access this information. Such information pertaining to how to send the indicator of the messages, exemplified by recipient preferences, are generally designated herein as "notifying instructions." The sender supplies message sending information that includes one or more recipients, and also can include optional information such as minimum or maximum expiration time periods for which the message should be stored or restrictions on access by some or all recipients (e.g., recipient 1 can only access the message once and recipient 2 is not allowed to see any of the attached documents). Alternatively, the MDS system could instead generate information such as minimum or maximum expiration time periods or recipient access restrictions. The MDS system can also record information such as the time that the indicators are sent out, the time and duration of each access by a recipient, and recipient instructions such as to save or delete the message.--